IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

Bail Appl..No. 462 of 2007()

CMC.72/2007 of DISTRICT COURT, THALASSERY

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CRIME NO.7/07 OF ALAKODE POLICE STATION

: PETITIONERS/1ST & 2ND ACCUSED

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1. PAULOSE, S/O.PAILY, AGED 47 YEARS,
PUTHUSSERI PUTHENPARAMBIL, ERUVATTY,
THIMIRI AMSOM DESOM, TALIPARAMBA TALUK,
KANNUR DISTRICT.

2. ALEESAMMA, W/O.PAULOSE, AGED 42 YEARS,
PUTHUSSERI PUTHENPARAMBIL HOUSE, ERUVATTY,
THIMIRI AMSOM DESOM, TALIPARAMBA TALUK,
KANNUR DISTRICT.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTING S.I. OF POLICE,
ALAKODE POLICE STATION, KANNUR DIST.,
REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 462 OF 2007

Dated this the 2nd day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioners, who are husband and wife and accused Nos.1 and 2 in Crime No.7/07 of Alakode Police Station for offences punishable under Secs.452, 294 (b), 341, 324, 326 and 506(ii) read with section 34 I.P.C., seek anticipatory bail.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 6 p.m. on 28.12.2006 the petitioners had trespassed into the house of the de facto complainant, who is the sister of the first accused, and had assaulted her with a chopper and stick, after abusing her and threatening her. The motive is alleged to be an existing civil dispute between the parties. The de facto complainant has sustained a fracture among other injuries.

3. Anticipatory bail cannot be granted in a case of this nature. But, at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer for interrogation and then to have their

application for regular bail considered and disposed of by the Magistrate concerned. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 07/02/2007 and 09/02/2007 for the purpose of custodial interrogation and recovery of incriminating materials, if any. After interrogation, the petitioners shall be produced before the Magistrate concerned on the same day. The Magistrate shall release the 2nd accused, who is a lady, on bail on appropriate conditions. The Magistrate shall also consider and dispose of the application, if any, filed by the first accused for regular bail preferably on the same day on which it is filed.

This petition is disposed of as above.

(V. RAMKUMAR, JUDGE)

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